



IN THE
Supreme Court of the United States

October Term, 1976

No. 76-1016

WARDEN, GREENHAVEN STATE PRISON,
Petitioner,

-v-

THOMAS PALERMO,
Respondent.

MEMORANDUM OF RESPONDENT
SUGGESTING MOOTNESS DUE TO
DEATH

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**MEMORANDUM OF RESPONDENT SUGGESTING
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The respondent in the above-entitled case files this memorandum to advise the Court of certain facts which, in respondent's view, render this petition for certiorari moot.

On March 25, 1977, a body, tentatively identified as Thomas Palermo, was discovered by the New York City Police Department. Subsequently, my office was informed by Margery Reifler of the New York State Attorney General's office, counsel for petitioner, that the identification was positive and a death certificate was issued in his name.

With the death of respondent, there is no longer a case or controversy between adverse interests. Thus, for this reason, respondent suggests that the issues sought to be raised by the petition for certiorari are moot as to respondent Thomas Palermo and that the petition should be dismissed on that ground.

Respectfully submitted,

NANCY ROSNER
Attorney for Respondent

April 1977